

REMARKS

Summary of the Response to Office Action

This Amendment responds to the Office Action mailed on April 12, 2007. Claims 1-13 are pending in this application, but stand rejected. Accordingly, claims 1-13 as amended are respectfully submitted for reconsideration by the Examiner.

Rejections to the Claims Under 35 U.S.C. § 102

Claims 1-13 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 6,695,195 to Nishikawa et al. ("Nishikawa"). Claims 1-10 were rejected for the same reasons set forth in paragraph 8 of the Office Action dated November 3, 2006. Claims 11-13 were rejected for the reasons set forth in paragraph 5 of the Office Action dated April 12, 2006.

Claim 1

Claim 1 as amended recites a gas combustion type impact tool comprising, in part, "a combustion chamber that comprises *an upper wall* and an adjacent side wall...and a vortex generator, provided on the *upper wall*." Nishikawa discloses a head cover 23, a combustion chamber wall 15 and ribs 24 provided on the inner surface of the combustion chamber wall 15. Nishikawa, 1:17-20 and 53-55. Although Nishikawa shows ribs on the combustion chamber wall, it does not show ribs on the head cover 23. Accordingly, Nishikawa fails to disclose "a vortex generator" as recited by claim 1, and thus does anticipate claim 1.

Claims 2-5

Claim 2-5 depend or ultimately depend from claim 1, and thus are believed patentable over Nishikawa for the same reasons as claim 1, as well as for the features recited by each dependent claim. For instance:

- Nishikawa also fails to disclose or suggest a retention generator provided on the upper wall, spaced from the vortex generator and the ignition device, as now recited by claim 3.

Claim 6

Claim 6 as amended recites a gas combustion type impact tool comprising, in part, “a combustion chamber that comprises *an upper wall...and a retention generator, provided on the upper wall and extending radially outward along the upper wall from an internal location on the upper wall.*” As described above, Nishikawa discloses a head cover 23, a combustion chamber wall 15 and ribs 24 provided on the inner surface of the combustion chamber wall 15, but fails to disclose “a combustion chamber that comprises *an upper wall...and a retention generator, provided on the upper wall of the combustion chamber, the retention generator extending radially outward along the upper wall from a location proximate a downstream side of the ignition device.*” Accordingly, Nishikawa fails to disclose a “retention generator,” as recited by claim 6, and thus does not anticipate claim 6.

Claim 7-10

Claims 7-10 depend or ultimately depend from claim 6, and thus are believed patentable over Nishikawa for the same reasons as claim 6 as well as for the features recited by each dependent claim.

Claims 11-13

Claims 11-13 depend from or ultimately depend from claim 1, and thus are believed patentable over Nishikawa for the same reasons as claim 1, as well as for the features recited by each dependent claim. For instance:

- Nishikawa also fails to disclose or suggest a rotary fan spaced from the upper wall of the combustion chamber and a vortex generator disposed between the upper wall and the fan, as now recited by claim 11; and
- Nishikawa also fails to disclose or suggest a vortex generator proximate the injection nozzle, as recited by claim 13.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance, and thus request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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